



City of Omaha
Jim Suttle, Mayor

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Paul D. Kratz
City Attorney

Honorable President

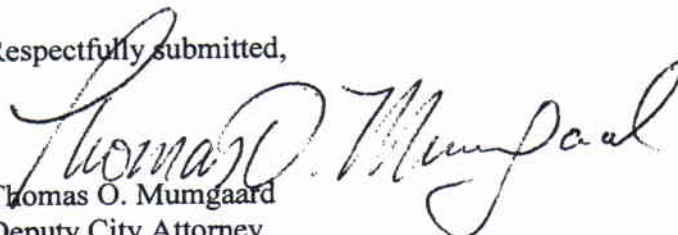
and Members of the City Council,

The attached ordinance is prepared at the request of the Mayor. The ordinance expands the current hours of permissible sale or distribution of alcoholic liquors, to be consumed on the premises, until 2:00 a.m.

State law currently prohibits the sale or distribution of any alcohol on any day between the hours of 1:00 a.m. and 6:00 a.m. and authorizes local governing bodies to establish more restrictive hours of sale. Omaha ordinances have long followed the statutory closing hour and prohibited the sale of any alcohol after 1:00 a.m. LB 861, effective on July 15, 2010, now allows a city to authorize on-premises sale until 2:00 a.m. This ordinance exercises that new authority and extends the permissible time for sale and consumption on the premises. The ordinance does not become effective until at least July 15, 2010.

The new law requires that the extended hours be approved by at least two-thirds of the members of the City Council. Therefore, adoption of this ordinance requires a vote of five Councilmembers.

Respectfully submitted,


Thomas O. Mumgaard
Deputy City Attorney

ORDINANCE NO. 38759

AN ORDINANCE to amend the provisions of Omaha Municipal Code section 15-2 prohibiting the sale of alcoholic liquor beyond 1:00 a.m.; to authorize the on-premises sale and dispensing of alcoholic liquors until 2:00 a.m.; to repeal the section as previously existing; and to provide an effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. Section 15-2 of the Omaha Municipal Code is hereby amended to read as follows:

Sec. 15-2. Closing hours for licensed premises.

It shall be unlawful for any person on any property licensed to sell alcoholic liquor at retail purposely or knowingly to sell or distribute alcoholic liquor, or to permit any person to do so, during the following periods of time:

(a) The sale or distribution for consumption off the premises on ~~On~~ any day between the hours of 1:00 a.m. and 6:00 a.m.; or

(b) The sale or dispensing for consumption on the premises on any day between the hours of 2:00 a.m. and 6:00 a.m.; or

(c) On any Sunday the sale or dispensing of alcoholic liquor, other than beer and wine, for consumption on the premises or off the premises, shall be prohibited between the hours of 6:00 a.m. and 12:00 noon.

(1) The hours during which a holder of a special designated permit may sell or distribute alcoholic liquor, other than beer and wine, on Sunday shall be established by the city council at the time the permit application is considered.

(2) Nonprofit corporations holding a Class C or Class I license under R.R.S. 1943, § 53-124, shall be permitted to sell alcoholic liquor for consumption on the premises between the hours of 12:00 noon on Sunday and 1:00 a.m. on the following Monday, but such nonprofit corporation licensee shall not sell or dispense alcoholic liquor on more than six days each week.

Section 2. Section 15-2 of the Omaha Municipal Code as heretofore existing is hereby repealed.

Section 3. This Ordinance shall be in full force and effect on the latter of July 15, 2010, or fifteen days from and after its passage.

ORDINANCE NO. 38259

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INTRODUCED BY COUNCILMEMBER

Harry Hernandez

APPROVED BY:

Jim Smith 6/24/10
MAYOR OF THE CITY OF OMAHA DATE

PASSED JUN 22 2010 7-0

ATTEST:

Dante Brown 6/24/10
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

Thomas D. Mynsoul 5-6-10
DEPUTY CITY ATTORNEY DATE